

**REMARKS**

Please note replacement attorney docket number above. Please use this number in all future correspondence.

Claims 1, 2, 5 and 8 are pending. Claim 1 is amended to clarify that the transactions are transportation of goods transactions. No new matter is introduced. Reconsideration and issuance of a Notice of allowance are respectfully requested.

On page 3 the Office Action rejects claims 1, 5 and 8 under 35 U.S.C § 102(b) over U.S. Patent No. 6,240,295 to Kennedy, II et al. (hereafter Kennedy). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); see also MPEP § 2131. “The identical invention must be shown in as complete detail as is contained in the ... claim.” Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990). Kennedy does not show each and every element as set forth in the claims, does not suggest the identical invention as defined in the claims, and does not suggest the elements arranged as required by the claims.

In rejecting claim 1, the Office Action asserts that Kennedy discloses “a global information clearinghouse” including “a central information repository (‘platform’ col 4 ln 25 - 40) wherein information related to the transportation of goods is processed and stored ... .” Kennedy is directed to a cellular telephone communications system. Kennedy uses a “clearinghouse” to assist switching of calls. See column 3, lines 61 - 67. But such a “clearinghouse” is not a global cargo container clearinghouse. Furthermore, nowhere, including the Examiner’s cited passage, does Kennedy disclose or suggest storing information related to the transportation of goods. The mere recitation of the term “clearinghouse” in Kennedy cannot possibly serve as a basis for rejecting a claim that recites a cargo container clearinghouse and storage of information related to the transportation of goods.

In contrast to Kennedy, claim 1 recites a global cargo container clearinghouse, including a repository for storing information related to the transportation of goods. Likewise, claim 1 recites “a transaction section that tracks transportation of goods transactions, recorded in the GCCIC.” Per section 102, in order to anticipate this feature, Kennedy must describe it - the type of transactions recited, the information stored, *i.e.*, related to the transportation of goods, is absolutely relevant and is not moot. Likewise, Kennedy fails to describe “a set of rules for operation of the GCCIC, wherein one or more rules is acknowledged by a government agency,” as recited in claim 1. Kennedy simply does not describe rules acknowledged by a government agency. Consequently, as noted above, Kennedy does not describe, either expressly or inherently, these features. Accordingly, claim 1 is patentable.

Similar to claim 1, the remaining independent claims 5 and 8 each recite features not disclosed or suggested by Kennedy. For example, Kennedy does not expressly or inherently describe “a central information repository, wherein information related to the transportation of goods is processed and stored in the repository,” as recited in claim 5. Moreover, Kennedy does not expressly or inherently describe “proposing rules for governing the association [and] receiving an indication that the proposed rules are acknowledged by a government agency,” as recited in claim 8. Consequently, claims 5 and 8 also are patentable. Withdrawal of the rejection of claims 1, 5, and 8 over Kennedy is respectfully requested.

On page 6 the Office Action rejects claim 2 under 35 U.S.C § 103(a) over Kennedy in view of “Farmer’s Mutual Benefit Association.” (“FBMA”). This rejection is respectfully traversed.

Claim 2 depends from patentable claim 1, and for this reason and the additional features it recites, claim 2 also is patentable. The FBMA document does not cure the defects of Kennedy. Withdrawal of the rejection of claim 2 over Kennedy is respectfully requested.

Moreover, while Applicants acknowledge the holdings of KSR, the prior art must still provide something that would lead one of ordinary skill in the art to modify the references to render the rejected claim 2 obvious. There is nothing in FBMA and Kennedy, when taken together, that achieves this. The FBMA document merely describes the FBMA. It does not have any description relevant to the features of claim 2, such as “an interface to a mutual benefit association...wherein the commercial entities *propose the one or more rules to be acknowledged*

*by the government agency*, and wherein the commercial entities and the government agencies use the interface to...receive information and *products* from the GCCIC system.” (Emphasis added). Consequently, even if the FBMA document did overcome the defects above, Kennedy and FBMA do not render claim 2 obvious.

In view of the above remarks, Applicants respectfully submit that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Date: October 9, 2008

Respectfully submitted,

  
Sean S. Wooden  
Registration No. 43,997  
**Andrews Kurth LLP**  
1350 I Street, NW  
Suite 1100  
Washington, DC 20005  
Tel. (202) 662-2738  
Fax (202) 662-2739